

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CHENG YAO ZHU

PLAINTIFF

v.

No. 4:12-cv-618-DPM

**UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES,
*et al.***

DEFENDANTS

ORDER

The Court is working on the motion to dismiss, but needs more information from USCIS about what is happening with Zhu's naturalization application. With the administrative closing of Zhu's removal proceeding, USCIS regained its authority to review Zhu's application. 8 U.S.C. § 1429. In terms of finality, if USCIS's decision on appeal is not final agency action—as the Government argues—USCIS can and should resume its review of Zhu's naturalization application. *No 8 at 6.* Has USCIS resumed its review? If not, does it intend to? When? If USCIS is or soon will be reviewing Zhu's naturalization application, do the parties agree this action should be dismissed without prejudice as moot? Joint status report due by 23 May 2013.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

3 May 2013